

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Suits – High Court of Andhra Pradesh – Implementation of Judgment dt.22.7.2008 in W.A.No.2038 of 2001 against the order dated 13.11.2001 in W.P.No.5304/98 filed by Smt T.M.Bhramarambika, Part-time Lecturer in Telugu, S.N.Vanitha Maha Vidyalaya, Hyderabad - Regularization of services – Orders – Issued.

HIGHER EDUCATION (CE-II) DEPARTMENT

G.O.Rt.No. 214.

Dated:21.3.2009.

Read the following:-

- 1.Andhra Pradesh High Court, Hyderabad Judgement dated 13.11.2001 in W.P.No.5304/98.
- 2.Andhra Pradesh High Court, Hyderabad Judgement dated 22.7.2008 in W.A.No.2038/2001 in W.P.No.5304/98.
3. From the Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad, Letter Rc.No.346/Admn.V-1/2008,dated 6.9.2008.
- 4.Memo No.11971/CE.II.2/2008 Edn., dated 11.9.2008, 13.10.2008 and 14.11.2008.
- 5.From the Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad, Letter Rc.No.346/Admn.V-1/1998,dated 22.10.2008 and 28.11.2008.

ORDER:

Smt.T.M.Bhramarambika, Part-time Lecturer in Telugu, S.N.Vanitha Maha Vidyalaya, Hyderabad filed W.P.No.5304 of 1998 in the Hon'ble High Court Andhra Pradesh, Hyderabad praying for absorption into aided vacancy on the ground that she has actually completed more than 600 working days of service as on 25.11.1993, if Casual Leaves, Maternity leaves, invigilation duties, Leave for undergoing Family planning operation between 8.8.89 to 25.11.1993 are taken into account.

2. The Hon'ble High Court, Andhra Pradesh, Hyderabad in its judgment dated 13.11.2001 in W.P.No.5304 of 1998 among other things held that –

“a writ of mandamus shall issue to the Commissioner of Collegiate Education to count (i) the maternity leave availed by the petitioner (ii) the special leave for undergoing the tubectomy operation; (iii) the days on which the petitioner was on invigilation work; (iv) and the days that were declared as holidays at the time of communal riots and demolition of Babri Masjid and the casual leaves availed by her, as the period spent on duty while computing 600 man days as required under G.O.Ms.No.328 Edn., dated 15.10.1997 for consideration of the case of the petitioner for regularization of her services and pass orders within eight weeks from the date of receipt of a copy of this order. It is needless to observe that the petitioner is entitled to receive the arrears of the salary from the date on which the 3rd respondent-management sent proposals to the official respondents for regularizing the services of the petitioner. The official respondents are given eight more weeks to release the arrears in grant-in-aid.”

3. Aggrieved by the above orders, the matter carried on by filing a Writ Appeal No.2038 of 2001 in W.P.No.5304 of 1998 in the Hon'ble High Court, Andhra Pradesh, Hyderabad. The Hon'ble High Court in its judgment dated 22.7.2008 while disposing off the Writ Appeal held that –

“We see no reason to interfere either with the findings of the learned Judge or with his conclusions in granting the relief to the first respondent - petitioner except to the limited extent that the respondents were to regularize the services of the first respondent-petitioner. The order of the learned Single Judge is modified and , accordingly, the appellants shall consider the case of the first respondent – petitioner in terms of G.O.Ms.No.328 dated 15.10.1997 and in accordance with the observations made in the order under appeal.

In so far as the order of the learned judge directing the appellants to pay arrears of salary from the date the second respondent-Management sent proposals is concerned, we modify the order holding that, in case the first respondent – petitioner is regularized in service, she shall be entitled to arrears of salary from the date of the order of the learned Single Judge.”

(P.T.O.)

4. The matter has been examined in consultation with the Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad and concerned administrative departments. In G.O.Ms.No.328, Edn., dated 15.10.1997, it was stipulated that for regularization of services of part-time lecturers working in private aided degree and junior colleges, one must have put in service of three academic years as on 30.7.1991 or five academic years as on 25.11.1993 as the case may be and one must also continue in service as on the date of the G.O., i.e., 15.10.1997. Taking into account 120 working days per academic year, this works out to putting in atleast 360 working days as on 30.7.1991 or 600 working days as on 25.11.93. The services put in by the Part-time Lecturers in more than one private aided colleges with or without breaks is also permitted to be taken into account for calculating the total number of existing working days. It was also stipulated that there should be an aided vacant post and workload should warrant filling up of the vacancy. Subsequently in G.O.Ms.No.283, Edn., dated 3.11.1999 Government have annulled the scheme of regularization formulated in the above mentioned G.O.

5. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad in his letters read above has reported that Smt T.M. Bhramarambika, Part-time Lecturer in Telugu, S.N.Vanitha Maha Vidyalaya, Hyderabad was appointed by the management of S.N.Vanitha Maha Vidyalaya, Hyderabad on 8.8.1989. On verification of records it was found that the individual has worked in the College 569 days. She also worked invigilation duties for annual and supplementary examinations and was on Maternity Leave, Special leave, Casual leave and there were also some curfew days and the total of all these comes to 758 working days. He has therefore, requested the Government to issue suitable orders in the matter.

6. In the light of the above, keeping in mind the directions of the Hon'ble High Court of Andhra Pradesh, the matter is reviewed. It is decided to give her the benefit of taking into account the service rendered by Smt.T.M.Bramarambika, PTL in Telugu, S.N.Vanitha Maha Vidyalaya, Hyderabad on invigilation duties for supplementary and annual examinations, period spent on maternity leave, special casual leave and casual leave period and the break on account of curfew days . All these taken together from a total of 758 days during the relevant period ie., prior to 25.11.1993 and as such she has satisfied the provisions of G.O.Ms.No.328 Edn., dated 15.10.1997.

7. After careful examination of the matter, and keeping in view the judgment of Hon'ble High Court dated 22.7.2008 in W.A.No.2038/2001 in W.P.No.5304/98, the Government hereby direct that the services of Smt.T.M.Bhramarambika, Part-time Lecturer in Telugu, S.N.Vanitha Maha Vidyalaya, Hyderabad be regularized as lecturer against an existing aided vacancy with effect from 13.11.2001 (ie., date of judgment in W.P.No.5304/98) with all consequential benefits, as directed by the Hon'ble High Court, as a special case.

8. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad shall take necessary action accordingly.

9. This orders issues with the concurrence of Finance (PC.III) Department vide their U.O.No.7647/146/A1/PC.III/09, dt.17.3.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To
The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad.

Copy to:

The individual concerned **thro.**

The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad.

The Secretary & Correspondent, S.N.V.M.Vidyalaya, Exhibition Grounds, Hyderabad.

P.S.to Special Secretary to Chief Minister.

OSD to Minister for Higher Education.

P.S. to Prl.Secretary (Higher Education).

Finance (PC.III)Department.

SF/SCs.

//FORWARDED:: BY ORDER//

SECTION OFFICER.